

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Min Wan et al.

Application No.: 10/785,369

Confirmation No. 8537

Filed: February 23, 2004

Art Unit: 1654

For: REAGENTS FOR PROTECTION OF
PEPTIDE/PROTEINS CARBAMYLATION IN
UREA SOLUTIONS UTILIZING NON-
ETHYLENE DIAMINE LIKE COMPOUNDS

Examiner: Audet, Maury A.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. 1.705(b)

Sir:

In response to the Notice of Allowability issued April 3, 2008 Applicants respectfully request reconsideration of the Patent Term Adjustment of zero (0) days noted at page 3 of the Notice.

Authorization to charge the required \$200.00 fee (pursuant to Section 1.18(e)) to our Deposit Account No. 50-4205 is hereby given.

No patent issuing from the present application is subject to a terminal disclaimer at this time.

Applicants respectfully submit that the Patent Term Adjustment of zero days is incorrect for the reasons stated below.

Utilizing Professor Kayton's Patentterm® online program (a copy of the analysis is attached as Attachment 1), Applicants calculated 166 credit days under 37 C.F.R.

1.702(a)(1) and 1.703(a)(1), and 433 credit days under 37 C.F.R. 1.702(b) and 1.703(b) utilizing an estimated issue date of October 14, 2008, resulting in a total of 599 credit days. The total number of days debited Applicants as viewed in both the PAIR system printout and the Patentterm® online program analysis is 202 days. Accordingly, utilizing an estimated issue date of October 14, 2008, Applicants would be entitled to receive a Patent Term Adjustment of 397 days as determined from 599 credit days less 202 debit days.

Even if the USPTO issues a patent earlier than the estimated issue date of October 14, 2008 (e.g. the USPTO issues a patent in August 2008 or September 2008), it is submitted that the total number of credit days will still be greater than the total number of debit days (202 days).

In view of the above, Applicants request that the USPTO reconsider their determination of a Patent Term Adjustment of zero days.

Applicants reserve the right, under 37 C.F.R. 1.705(d), to request further revisions to the patent term adjustment, should the USPTO fail to note a revised patent term adjustment on the face of any patent issuing from the present application, or fail to timely issue any patent issuing from the present application.

Dated: June 12, 2008
Organon International Inc.
Patent Department
c/o Schering-Plough Corporation
2000 Galloping Hill Road
Kenilworth, New Jersey
K-6-1; MS 1990
Tel: (908) 298-2161
Fax: (908)-298-5388

Respectfully submitted,

By 

Susan Hess
Registration No.: 37,350
Attorney For Applicant(s)